

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARCUS MARTIN,

Plaintiff,

VS.

FLOYD BONNER, JR., ET AL.,

Defendants.

No. 21-2057-MSN-tmp

**ORDER DISMISSING CASE;
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;
NOTIFYING PLAINTIFF OF APPELLATE FILING FEE;
AND RECOMMENDING THAT THIS DISMISSAL BE TREATED AS A STRIKE
UNDER 28 U.S.C. § 1915(g)**

On January 27, 2021, Plaintiff Marcus Martin filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) On January 29, 2021, the Court granted Martin leave to proceed *in forma pauperis*. (ECF No. 4.) On January 5, 2022, the Court dismissed the complaint with prejudice in part, dismissed the complaint without prejudice in part, and granted leave to amend the claims dismissed without prejudice. (ECF No. 5 (the “Screening Order”).) Martin’s deadline to amend expired on Wednesday, January 26, 2022. Martin failed to timely file an amended complaint or to seek an extension of time to amend.

For this reason, the Court **DISMISSES** this case with prejudice in its entirety for the reasons discussed in the Screening Order. Judgment will be entered in accordance with that prior Order.

For § 1915(g) analysis of Martin's future filings, if any, the Court recommends that the dismissal of this case be treated as a strike pursuant to § 1915(g). *See Simons v. Washington*, No. 20-1406, 2021 WL 1727619, at *1 (6th Cir. May 3, 2021). (*See also* ECF No. 5 at PageID 23) (recommending that a dismissal of this case for Martin's failure to timely amend be treated as a strike pursuant to § 1915(g).)

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is **CERTIFIED** that any appeal in this matter by Martin would not be taken in good faith. If Martin nevertheless chooses to file a notice of appeal, Martin must either (1) pay the entire \$505 appellate filing fee or, if Martin is confined at that time, (2) submit a new *in forma pauperis* affidavit and a current, certified copy of Martin's inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)–(b).

IT IS SO ORDERED, this 14th day of March, 2022.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE